IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.875 OF 2007
IN
CRIMINAL APPEAL NO.627 OF 2007

Vivek Madhukar Surve. .....Applicant.
Vs.
The State of Maharashtra. .....Respondent.

Mrs. Manjula Rao for the Applicant.
Mr. A.S.Shitole, A.P.P. for the State.

CORAM: B.H.MARLAPALLE, J.
DATE : August 23, 2007

P.C.

1. Heard Mrs. Rao, the learned counsel for the applicant-accused No.3 praying for release of the applicant on bail during the pendency of Criminal Appeal No.627 of 2007. The said appeal has been admitted on 12.7.2007 and accused Nos.1 and 2 who are the parents of the present applicant have been released on bail on 12.7.2007 by allowing the Criminal Application No.780 of 2007.

2. The appellants accused have been convicted by the learned Additional Sessions Judge, Greater Bombay for the offences punishable under Section-306 read with 34 of the Indian Penal Code and in addition, the accused have been convicted under Section-498A of the Indian Penal Code. They have been sentenced to suffer R.I.

for a period of 5-years on the first charge and R.I. for a period of 2-years on the second charge.

3. As per the prosecution the deceased Reena was harassed and ill-treated and therefore, Reena committed suicide by jumping from the building on 11.10.2000 known as Dhavalgiri.

4. There is no dispute that the deceased Reena and the present applicant got married on 17.5.1998 and the applicant No.3 got a job in December,1998. Subsequently in January,1999, the present applicant and the deceased started staying in a rented house at Andheri. In September,1999, deceased Reena came to her parents house and while returning home alongwith the applicant she met with an accident. She started staying with her parents after about 15 days from this accident and since then she was staying with her parents. As per the prosecution story the deceased was being harassed and ill-treated by the applicant, while she was staying with her parents.

5. Considering the evidence adduced by the prosecution before the Trial Court, I am satisfied that the applicant deserves to be released on bail. Moreover, he was already on bail during the trial. He was taken in custody on 26.6.2007 and is under going sentence since

then. Hence, the application is allowed.

6. The applicant is directed to be released on bail, if not required in any other case, in the sum of Rs.25,000/- with one solvent surety in the like amount. In addition, he shall report to the Pawai Police Station once in every fortnight and preferably on Sunday. He shall not leave the country without obtaining the written permission from the concerned police station.

(B.H. MARLAPALLE, J.)